

## REMARKS

After entering these amendments Claims 1-3 and 6-7 will be pending. Claims 1-3 have been amended. Claim 4-5 have been canceled. Claims 8-10 have been withdrawn.

### THE REJECTIONS UNDER 35 U.S.C. § 112:

Claim 1 was “rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” (August 8, 2005 Office Action, Page 3). Applicants traverse.

Claim 1 was rejected because “the last two lines of claim 1 that contain the second proviso do not make sense. R<sup>6</sup> cannot be two different things at the same time.” Applicants thank the Examiner for noting this inadvertent typographical error. Claim 1 has been amended to correct this inadvertent typographical error and now reads “provided that when R<sup>6</sup> is -O-R<sup>11</sup> or R<sup>6</sup> is C<sub>1-6</sub> alkyl; then R<sup>8a</sup> is not a substituted or unsubstituted indole moiety”. Therefore, applicants respectfully request the Examiner withdraw this rejection as it is now moot.

### THE REJECTIONS UNDER 35 U.S.C. § 102:

Claim 1-7 were rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,057,325 (hereinafter “Kennis”). (August 8, 2005 Office Action, Pages 3-4). Applicants traverse.

Kennis teaches a genus of compounds having central serotonin antagonist activity and are useful as antipsychotic drugs wherein variables R<sup>2</sup>, R<sup>3</sup> and R<sup>4</sup> correspond to variables R<sup>6</sup>, R<sup>7</sup>, R<sup>8</sup> and R<sup>9</sup> of the present application. Applicants have amended Claims 1-3 and canceled Claims 4-5. Specifically, applicants have amended variables R<sup>6</sup>, R<sup>7</sup>, R<sup>8</sup> and R<sup>9</sup> to no longer read on variables R<sup>2</sup>, R<sup>3</sup> and R<sup>4</sup> of Kennis. Therefore, applicants respectfully request the Examiner withdraw this rejection as it is now moot.

Claims 1-7 were rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,849,640 (hereinafter “Ennis”). (August 8, 2005 Office Action, Page 4). Applicants traverse.

Ennis teaches a genus of compounds wherein a 2,4-dichlorophenyl substituent corresponds to one of variables R<sup>7</sup>, R<sup>8</sup> or R<sup>9</sup> of the present application. None of variable R<sup>7</sup>, R<sup>8</sup> or R<sup>9</sup> of the present application may be a 2,4-dichlorophenyl group. Applicants respectfully request the Examiner withdraw this rejection as it is not applicable to the present application.


### CONCLUSION

No fee is believed due for the filing of this Amendment; however, should any fee be found to be due please charge said fee to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company. In view of the foregoing, applicants submit that the application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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